THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :1124 of 2007

DATED: 22-01-2007

N.Muni Reddy.

..... PETITIONER

AND

The Prohibition & Excise Commissioner,
Hyderabad & two others.

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Prohibition & Excise appearing for the respondents.

2. Petitioner is one of the auction purchasers in respect of a shop situated in Municipal Election Division No.22 notified at S.No.23 of the tender notification for the lease of Indian made Foreign liquor/foreign liquor for the Excise years, 2006-08 i.e., from 01-07-2006 to 30-06-2008. As the petitioner became the highest bidder he was granted licence for the sale of liquor at the premises situated in the Municipal Election Division No.22. Out of thirty five shops notified for auction no bidders came forward to take out the shop at S.No.34 of the Anantapur Town situated at Bukkarayasamudram Shop No.1. The said shop was re-notified for auction for the said lease year 2006-08 along with six other shops in Anantapur District. It is the contention of the petitioner that
re-notification was issued by showing the place of the business which amounts to increase of number of shops in Anantapur Municipal Corporation limits.

3. A perusal of the original notification and the re-notification goes to show that there is no change of place of the business and the area earmarked. The area earmarked in respect of the petition shop is only Municipal Election Division No.22, whereas in respect of S.No.34

which was originally notified in respect of Bukkarayasamudram Shop No.1 the name of the station was mentioned as Singanamala, which is within the limits of Bukkarayasamudram. The area of the petitioner's shop i.e., the municipal Election Division No.22 is distinct and different from Bukkarayasamudram. Therefore I am of the opinion that the petitioner has no *locus standi* to question the said re-notification and what was put for re-notification is only in respect of the left over shop at S.No.34 of original notification. Therefore, I am of the opinion that the petitioner has no right whatsoever to question the action of the respondents.

4. Accordingly, the Writ Petition is dismissed with costs of Rs.1000/- (rupees one thousand).

_____

V.ESWARAIAH,J

22nd January, 2006.

Note:

Furnish C.C. within three days

B/o

Tsy